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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,977	09/29/2000	Frank P. Hart	042390.P9730	1730

7590 12/08/2003

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EXAMINER
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DU, THUAN N

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/675,977

Applicant(s)

HART ET AL.

Examiner

Thuan N. Du

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-14,24-27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-14,24-27 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to Amendment filed on 9/22/03 (Paper No. 6).
2. Claims 4, 9, 15-23, 28 and 29 have been cancelled.
3. Claims 1-3, 5-8, 10-14, 24-27 and 30 are presented for examination.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Objections*

5. Claim 27 is objected to because of the following informalities: line 10, the phrase "are to performed" should be -- are performed --. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

6. Claims 1-3, 5-8, 10-14, 24-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panas et al. [Panas] (U.S. Patent No. 6,473,857) and Croll (U.S. Patent No. 5,367,688)<sup>1</sup>.
7. Regarding claims 1, 8, 10-11 and 12, Panas teaches a method for booting a subsystem (IOP) comprising the steps of:  
  
retrieving a subsystem boot indicator [col.19, lines 2-8]; and  
  
transferring information to the subsystem based on the subsystem boot indicator [col. 19, lines 11-37].

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<sup>1</sup> Panas and Croll are cited in the previous office action.

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Panas does not explicitly teach the transferring the information to the subsystem is performed without involvement of a main operating system.

Croll teaches a system for booting a subsystem comprising the step of transferring boot image from the host system to the subsystem without involvement of the host operating system [col. 6, line 1-7].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Panas and Croll because they both teach system for booting up a subsystem. Croll's teaching of transferring the boot information to the subsystem without involvement of the host operating system would increase the flexibility of Panas' system by allowing the host OS to be free to respond other requests from other subsystems.

8. Regarding claims 2 and 14, Panas teaches the subsystem boot indicator is located in a non-volatile storage device (CMA) [col. 19, lines 3-5].

9. Regarding claim 3, Panas teaches the non-volatile storage device is located within the subsystem [col. 19, line 3-5].

10. Regarding claims 5 and 6, it is the matter of design choice to use a bus or a communication link for transferring the information to the subsystem having a bus width or bandwidth less than that of the main system

11. Regarding claims 7 and 13, Panas teaches the information transferred to the subsystem is transferred to a memory accessible by the subsystem [col. 19, lines 26-34, 46-48].

12. Regarding claims 24-27 and 30, Panas and Croll together teach the claimed method steps. Therefore, Panas and Croll together teach the apparatus to implement the claimed method steps.

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***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, **thuan.du@uspto.gov**. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202.

The fax number for the organization is (703) 872-9306.

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).



Thuan N. Du  
December 3, 2003